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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

11 RON HUPPERT and JAVIER SALGADO, ) No. C-05-1433-JL  
12 Plaintiffs, ) **[Proposed] ORDER GRANTING**  
13 v. ) **PLAINTIFFS LEAVE TO FILE**  
14 CITY OF PITTSBURG, et al., ) **SUPPLEMENTAL BRIEF**  
15 Defendants. )  
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17 On August 29, 2006, the California Court of Appeal issued a decision, *McRae v.*  
18 *Department of Corrections* (06 CDOS 8091). On August 30, 2006, counsel for the parties in this  
19 action appeared and argued the defense motions for summary judgment/adjudication. Neither  
20 side addressed the *McRae* decision at oral argument. After oral argument, the Court took the  
21 matter under submission.

22 On September 7, 2006, Defendants herein filed a two-page letter brief, arguing the  
23 *McRae* decision and its applicability to this case. Defendants did not file a "Statement of  
24 Decision, containing only a citation and providing a copy of the new opinion – without  
25 argument," as required by local rules.

26 On September 8, 2006, Plaintiffs requested that they be allowed to file a similar brief, in  
27 the form of a two-page letter, addressing the *McRae* decision and its relative impact to the record

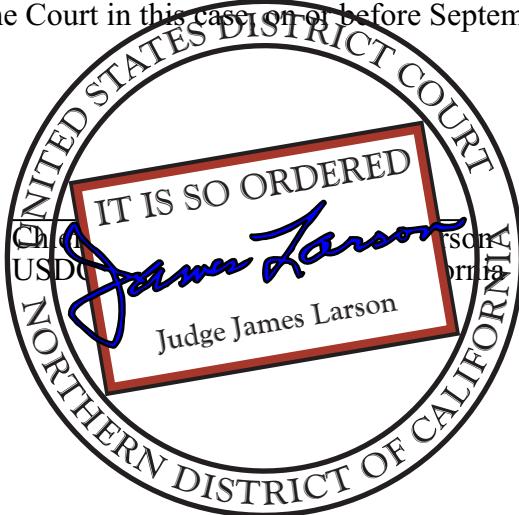
1 before the Court in this case, on or before September 13, 2006.

2 Good cause appearing, it is hereby ordered as follows:

3 Plaintiffs may file a letter brief, not to exceed two pages, addressing the *McRae* decision  
4 and its impact to the record before the Court in this case, on or before September 13, 2006.

5 **IT IS SO ORDERED.**

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7 Date: Sept 12 , 2006



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